

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MERRIMAK CAPITAL COMPANY,

No. C 06-06680 CRB

Plaintiff,

ORDER OF DISMISSAL

v.


CVS PHARMACY INC.,

Defendant.

The parties hereto, by their counsel, having advised the Court that they have agreed to a settlement of this case,

IT IS HEREBY ORDERED that this case be dismissed without prejudice; provided, however, that if any party hereto shall certify to this Court, within forty-five days, with proof of service of a copy thereon on opposing counsel, that the agreed consideration for said settlement has not been delivered over, the foregoing Order shall stand vacated and this case shall forthwith be restored to the calendar to be set for trial.

Dated: September 13, 2007


CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE